

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Lenard Owens,</b>	)	<b>CASE NO. 4:23 CV 1288</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>vs.</b>	)	
	)	
<b>Commissioner of Social Security,</b>	)	
	)	<b><u>Memorandum of Opinion and Order</u></b>
	)	
<b>Defendant.</b>	)	

**INTRODUCTION**

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge James E. Grimes Jr. (Doc. 14), recommending that the Court grant defendant’s motion to remand with instructions that an administrative law judge offer the claimant an opportunity for a new hearing and issue a new decision. No objections have been filed. For the reasons that follow, the R&R is ACCEPTED, and the decision of the Commissioner is VACATED and REMANDED.

**STANDARD OF REVIEW**

When objections are made to a Magistrate Judge’s Report and Recommendation, the district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b)(3) provides that: “The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” As stated in the Advisory Committee Notes, “When no timely objection is filed, the

court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Court held that “[i]t does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”

**DECISION**

This Court, having reviewed the R&R and finding no clear error, hereby ACCEPTS the Magistrate Judge’s R&R. In accordance with that recommendation, defendant’s motion for remand is GRANTED. (Doc. 10.) The decision of the Commissioner is VACATED and REMANDED with instructions that an administrative law judge offer the claimant an opportunity for a new hearing and issue a new decision.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan

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PATRICIA A. GAUGHAN

United States District Judge

Dated: 3/27/24